Montana Water Court PO Box 1389 Bozeman, MT 59771-1389 1-800-624-3270 (406) 586-4364 watercourt@mt.gov FILED
08/07/2023
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
43B-0478-R-2023
Lambert, Kathryn
4.00

# MONTANA WATER COURT, YELLOWSTONE DIVISION YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN BASIN 43B PRELIMINARY DECREE

CLAIMANT: Montana Department of Fish, Wildlife & Parks

CASE 43B-0478-R-2023

43B 191342-00 43B 194233-00 43B 194350-00

#### NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

# **MASTER'S REPORT**

Claim 43B 191342-00 appeared in the Preliminary Decree with the following remark:

AN AMENDMENT WAS SUBMITTED ON 03/30/2018 REQUESTING TO AMEND THE PERIOD OF DIVERSION AND PERIOD OF USE. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

Claim 43B 194233-00 appeared in the Preliminary Decree with the following remarks:

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE CLAIMED SOURCE MAY BE QUESTIONABLE. BASED ON AVAILABLE DATA, THE SOURCE MAY BE SURFACE WATER FROM SHEEP CREEK AND GARDEN CREEK.

Claim 43B 194350-00 appeared in the Preliminary Decree with the following remarks:

AN AMENDMENT WAS SUBMITTED ON 03/30/2018 REQUESTING TO AMEND THE PERIOD OF DIVERSION AND PERIOD OF USE. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

CLAIMED POINT OF DIVERSION #86 APPEARS TO BE INCORRECT. THE SOURCE DOES NOT FLOW THRU SECTION 33 TWP 1S RGE 12E PARK COUNTY.

CLAIMED POINT OF DIVERSION #63 APPEARS TO BE INCORRECT. THE SOURCE DOES NOT FLOW THRU SECTION 8 TWP 2S RGE 10E PARK COUNTY.

CLAIMED POINT OF DIVERSION #90 APPEARS TO BE INCORRECT. THE SOURCE DOES NOT FLOW THRU SECTION 27 TWP 1S RGE 12E PARK COUNTY.

The amendments were sent to the Montana Department of Natural Resources and Conservation ["DNRC"] during ReExamination. They were not signed or filed by an attorney for the Montana Department Of Fish, Wildlife And Parks. The issue remarks were not addressed through the objection process. The Water Court is required to resolve the issues raised by each issue remark. Section 85-2-248, MCA.

Under Section 85-2-248(3), MCA, information in the claim file or other information obtained by the Court can be reviewed to determine if it provides a sufficient basis to resolve the issue raised by a remark and the Court can provide the claimant an opportunity to file additional information or evidence. On May 1, 2023 the Montana Department of Fish, Wildlife & Parks' Claim Resolution was filed, including counsel's endorsement of the amendments. Pursuant to section 85-2-233(6), MCA, this is also deemed a motion to amend the place of use for claim 43B 194350-00 as instream claims should have identical points of diversion and places of use. This document is viewable in the Court's FullCourt Enterprise

case management system.

The May 1, 2023 the Montana Department of Fish, Wildlife & Parks' Claim Resolution includes a request to change claim 43B 194234-00. As claim 43B 194234-00 is not in this Case, the request is not addressed.

#### APPLICABLE LAW

"All issue remarks to claims that are not resolved through the filing of an objection as provided in 85-2-233 must be resolved as provided in this section." Section 85-2-248(2), MCA.

The Montana Water Court has jurisdiction to review a motion to amend pursuant to section 85-2-233(6), MCA.

Rule 15 M.R.Civ.P. restricts the scope of the amendments to the conduct, transaction, or occurrence set forth in the original pleading or, in other words, the "same set of operative facts as contained in the original pleading." *Sooy v. Petrolane Steel Gas, Inc.*, 218 Mont. 418, 422-423 (1985). The requested amendment "merely makes more specific that which has already been alleged." *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15 (1972).

Notice must be published by newspaper if the requested amendments "may adversely affect other water rights." Section 85-2-233(6)(a)(i), MCA.

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including claimants amending their own claims. Rule 19, W.R.Adj.R.

# **FINDINGS OF FACT**

- For claim 43B 191342-00, the periods of diversion and period of use are each APRIL
   TO MAY 1. They should each be APRIL 16 TO APRIL 30. The amendment remark should be removed as having served its notice purpose.
- 2. For claim 43B 194233-00, the Preliminary Decree states that the source is GARDEN CREEK and includes the following point of diversion clarification remark:

POINT OF DIVERSION NO.01, 02 AND 03 ARE ON SHEEP CREEK. POINT OF DIVERSION NO. 4 IS ON GARDEN CREEK.

The pertinent source name should be added to each point of diversion which will then prompt both sources being listed at the source name on the abstract of claim. The point of diversion clarification remark should be removed as redundant. The source issue remark should be removed as addressed and resolved.

The ditch name remark provides notice of changes made prior to issuance of the Preliminary Decree and does not raise unresolved issues which need to be addressed. The remark should be removed as having served its notice purpose.

For claim 43B 194350-00, the periods of diversion and period of use are each APRIL
 TO OCTOBER 31. They should each be APRIL 16 TO OCTOBER 31. The amendment
 remark should be removed as having served its notice purpose.

The changes to place of use requested in the motion to amend arise out of the same conduct, transaction, or occurrence specified on the original Statement of Claim, are based on the same operative facts specified in the original Statement of Claim, and merely make more specific that which was already claimed on the original Statement of Claim.

There are 122 points of diversion and places of use. The following three should be removed from each: section 27, T1S, R12E, PARK; section 33, T1S, R12E, PARK, and section 8, T2S, R10E, PARK. The point of diversion issue remarks should be removed as addressed and resolved.

#### CONCLUSIONS OF LAW

- 1. The requested amendment does not adversely affect other water rights as it is a correction to the abstract which does not make any change to the actual historical use of the claimed right on the ground. Notice by publication of this amendment is not required. Section 85-2-233(6), MCA.
- 2. The requested amendment "merely makes more specific that which has already been alleged." *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15 (1972).
- 3. The settlement filed including the motion to amend are sufficient to contradict and overcome the prima facie claims as they appeared in the Preliminary Decree and sufficient to

resolve the issue remarks without evidentiary hearing. Sections 85-2-248(3) and (11), MCA.

RECOMMENDATIONS

Based upon the above, this Master recommends that the Court grant the motion to amend this claim and make the changes specified in the Findings of Fact to correct the

Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim

is served with this Report to confirm the recommended changes have been made in the state's

centralized record system.

**ELECTRONICALLY SIGNED AND DATED BELOW** 

**Service Via Electronic Mail:** 

**Kevin Rechkoff Agency Legal Counsel** PO Box 200701 Helena, MT 59620 (406) 444-3312 kevin.rechkoff@mt.gov

cbell@mt.gov

**Service via USPS Mail:** 

Last Order:

Montana Dept of Fish, Wildlife & Parks PO Box 200701 Helena, MT 59620

Note: Service List Updated 7-31-23

#### **POST DECREE**

# ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 191342-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS

PO BOX 200701

HELENA, MT 59620 0701

Priority Date: DECEMBER 14, 1970

Type of Historical Right: FILED

Purpose (use): FISH AND WILDLIFE

\*Flow Rate: 1,800.00 CFS

\*Volume: 53,541.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: YELLOWSTONE RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<b>County</b>
1		NE	12	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL	30				
<b>Diversion Means:</b>	INSTREAM					
2			7	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL	30				
<b>Diversion Means:</b>	INSTREAM					
3			8	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL	30				
<b>Diversion Means:</b>	INSTREAM					
4			9	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL	30				
<b>Diversion Means:</b>	INSTREAM					
5			15	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL	30				
<b>Diversion Means:</b>	INSTREAM					
6			16	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL	30				
<b>Diversion Means:</b>	INSTREAM					
7			17	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL	30				
<b>Diversion Means:</b>	INSTREAM					

8		18	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
9		21	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
10		22	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
11		26	1N	15E	SWEET GRASS
<b>Period of Diversion:</b>	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
12		27	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
13		34	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
14		35	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
15		36	1N	15E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
16		31	1N	16E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
17		5	1S	16E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
18	ABBU 40 TO ABBU 00	6	1S	16E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
19	ADDU 40 TO ADDU 00	8	1S	16E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
Diversion Means:	INSTREAM				
20 Paried of Diversion	ADDII 16 TO ADDII 20	9	1S	16E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
Diversion Means:	INSTREAM	4.0	40	405	OWEST OF 195
21  Paried of Diversions	APRIL 16 TO APRIL 30	13	1S	16E	SWEET GRASS
Period of Diversion:					
<b>Diversion Means:</b>	INSTREAM				

22		14	1S	16E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
23		16	1S	16E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
24		21	1S	16E	SWEET GRASS
<b>Period of Diversion:</b>	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
25		22	1S	16E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
26		23	1S	16E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
27		24	1S	16E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
28		18	1S	17E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
29	ADDII 40 TO ADDII 00	19	1S	17E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
Diversion Means:	INSTREAM				
30 Period of Diversion:	ADDII 40 TO ADDII 20	20	1S	17E	SWEET GRASS
	APRIL 16 TO APRIL 30				
Diversion Means:	INSTREAM	0.4	40	475	014/557 05 400
31 Period of Diversion:	APRIL 16 TO APRIL 30	21	1S	17E	SWEET GRASS
Diversion Means:	INSTREAM				
32	INSTREAM	25	1S	17E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30	25	13	17 🗅	SWEET GRASS
Diversion Means:	INSTREAM				
33	INOTICEAM	26	1S	17E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30	20	10	176	SWEET GRASS
Diversion Means:	INSTREAM				
34		27	1S	17E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30	21	10	.,_	OWLET OTOTOO
Diversion Means:	INSTREAM				
35		28	1S	17E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30	_0	. •	··-	2.1.2.1.0.0.00
Diversion Means:	INSTREAM				

36		29	1S	17E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
37		34	1S	17E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
38		35	1S	17E	SWEET GRASS
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
39		27	1S	18E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
40		28	1S	18E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
41		29	1S	18E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
42		30	1S	18E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
43		34	1S	18E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
44		35	1S	18E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
45		32	1S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
46		33	1S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
47		1	2S	18E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
48		2	2S	18E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
49		3	2S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				

50 Period of Diversion:	APRIL 16 TO APRIL 30	4	2S	19E	STILLWATER
Diversion Means:	INSTREAM				
51		5	2S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
52		6	2S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
53		7	2S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
54		8	2S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
55		10	2S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
56	ADDU 40 TO ADDU 00	14	2S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
Diversion Means:	INSTREAM	4.5	00	405	07111144755
57 Period of Diversion:	APRIL 16 TO APRIL 30	15	2S	19E	STILLWATER
Diversion Means:	INSTREAM				
58	INOTICAM	23	2S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30	25	20	136	STILLWATER
Diversion Means:	INSTREAM				
59		24	2S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				• · · · · · · · · · · · · · · · · · · ·
<b>Diversion Means:</b>	INSTREAM				
60		25	2S	19E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
61		19	2S	20E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
62	SWSE	20	2S	20E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				
63	SESW	20	2S	20E	STILLWATER
Period of Diversion:	APRIL 16 TO APRIL 30				
<b>Diversion Means:</b>	INSTREAM				

		SWSW	20	2S	20E	STILLWATER
:	APRIL 16 TO APRI	L 30				
	INSTREAM					
		NENWNE	29	2S	20E	STILLWATER
:	APRIL 16 TO APRI	L 30				
	INSTREAM					
			30	2S	20E	STILLWATER
:	APRIL 16 TO APRI	L 30				
	INSTREAM					
	APRIL 16 TO APRI	L 30				
Acres	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<b>County</b>
		NE	12	1N	14E	SWEET GRASS
		INSTREAM  APRIL 16 TO APRI INSTREAM  APRIL 16 TO APRI INSTREAM  APRIL 16 TO APRI	APRIL 16 TO APRIL 30 INSTREAM  NENWNE APRIL 16 TO APRIL 30 INSTREAM  APRIL 16 TO APRIL 30 INSTREAM APRIL 16 TO APRIL 30  APRIL 16 TO APRIL 30  APRIL 16 TO APRIL 30	APRIL 16 TO APRIL 30 INSTREAM  NENWNE 29 APRIL 16 TO APRIL 30 INSTREAM  APRIL 16 TO APRIL 30 INSTREAM APRIL 16 TO APRIL 30 INSTREAM APRIL 16 TO APRIL 30	APRIL 16 TO APRIL 30 INSTREAM  NENWNE 29 2S APRIL 16 TO APRIL 30 INSTREAM  30 2S APRIL 16 TO APRIL 30 INSTREAM APRIL 16 TO APRIL 30 INSTREAM APRIL 16 TO APRIL 30	APRIL 16 TO APRIL 30 INSTREAM  NENWNE 29 2S 20E APRIL 16 TO APRIL 30 INSTREAM  30 2S 20E APRIL 16 TO APRIL 30 INSTREAM APRIL 16 TO APRIL 30 INSTREAM APRIL 16 TO APRIL 30

$\overline{\mathbf{ID}}$	<u>Acres</u>	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	<b>Twp</b>	<u>Rge</u>	<b>County</b>
1			NE	12	1N	14E	SWEET GRASS
2				7	1N	15E	SWEET GRASS
3				8	1N	15E	SWEET GRASS
4				9	1N	15E	SWEET GRASS
5				15	1N	15E	SWEET GRASS
6				16	1N	15E	SWEET GRASS
7				17	1N	15E	SWEET GRASS
8				18	1N	15E	SWEET GRASS
9				21	1N	15E	SWEET GRASS
10				22	1N	15E	SWEET GRASS
11				26	1N	15E	SWEET GRASS
12				27	1N	15E	SWEET GRASS
13				34	1N	15E	SWEET GRASS
14				35	1N	15E	SWEET GRASS
15				36	1N	15E	SWEET GRASS
16				31	1N	16E	SWEET GRASS
17				5	1S	16E	SWEET GRASS
18				6	1S	16E	SWEET GRASS
19				8	1S	16E	SWEET GRASS
20				9	1S	16E	SWEET GRASS
21				13	1S	16E	SWEET GRASS
22				14	1S	16E	SWEET GRASS
23				16	1S	16E	SWEET GRASS
24				21	1S	16E	SWEET GRASS
25				22	1S	16E	SWEET GRASS
26				23	1S	16E	SWEET GRASS
27				24	1S	16E	SWEET GRASS
28				18	1S	17E	SWEET GRASS
29				19	1S	17E	SWEET GRASS
30				20	1S	17E	SWEET GRASS
31				21	1S	17E	SWEET GRASS
32				25	1S	17E	SWEET GRASS
33				26	1S	17E	SWEET GRASS
34				27	1S	17E	SWEET GRASS

35		28	1S	17E	SWEET GRASS
36		29	1S	17E	SWEET GRASS
37		34	1S	17E	SWEET GRASS
38		35	1S	17E	SWEET GRASS
39		27	1S	18E	STILLWATER
40		28	1S	18E	STILLWATER
41		29	1S	18E	STILLWATER
42		30	1S	18E	STILLWATER
43		34	1S	18E	STILLWATER
44		35	1S	18E	STILLWATER
45		32	1S	19E	STILLWATER
46		33	1S	19E	STILLWATER
47		1	2S	18E	STILLWATER
48		2	2S	18E	STILLWATER
49		3	2S	19E	STILLWATER
50		4	2S	19E	STILLWATER
51		5	2S	19E	STILLWATER
52		6	2S	19E	STILLWATER
53		7	2S	19E	STILLWATER
54		8	2S	19E	STILLWATER
55		10	2S	19E	STILLWATER
56		14	2S	19E	STILLWATER
57		15	2S	19E	STILLWATER
58		23	2S	19E	STILLWATER
59		24	2S	19E	STILLWATER
60		25	2S	19E	STILLWATER
61		19	2S	20E	STILLWATER
62	SWSE	20	2S	20E	STILLWATER
63	SESW	20	2S	20E	STILLWATER
64	SWSW	20	2S	20E	STILLWATER
65	NENWNE	29	2S	20E	STILLWATER
66		30	2S	20E	STILLWATER

# Remarks:

THIS APPROPRIATION OF WATER TAKES WATER FROM THE YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK DRAINAGE (BASIN 43B) AND USES IT IN THE YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK DRAINAGE (BASIN 43B) AND THE YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE DRAINAGE (BASIN 43QJ). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

#### POST DECREE

# ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 194233-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS

PO BOX 200701

HELENA, MT 59620 0701

Priority Date: JUNE 1, 1880

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 1.00 CFS

\*Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT

TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 162.00

Source Name: GARDEN CREEK

Source Type: SURFACE WATER

Source Name: SHEEP CREEK

Source Type: SURFACE WATER

DECREE 2816, DATED 12/07/1909, DECREES THIS RIGHT OUT OF BOTH GARDEN

CREEK AND SHEEP CREEK.

#### Point of Diversion and Means of Diversion:

<u>ID</u>	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<b>County</b>	
1		SWSESW	2	7S	7E	PARK	
Source Name:	SHEEP CREEK						
Period of Diversion:	APRIL 1 TO NOV	EMBER 1					
<b>Diversion Means:</b>	HEADGATE						
Ditch Name:	RIGLER DITCH						
2		NWNENW	11	7S	7E	PARK	
Source Name:	SHEEP CREEK						
Period of Diversion:	APRIL 1 TO NOV	EMBER 1					
<b>Diversion Means:</b>	HEADGATE						
Ditch Name:	RIGLER DITCH						
3		SENWNE	11	7S	7E	PARK	

Source Name: SHEEP CREEK

Period of Diversion: APRIL 1 TO NOVEMBER 1

**Diversion Means:** HEADGATE

4 SWSENW 11 7S 7E PARK

Source Name: GARDEN CREEK

**Period of Diversion:** APRIL 1 TO NOVEMBER 1

**Diversion Means:** HEADGATE

Period of Use: APRIL 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>		Acres	Govt Lot	Qtr Sec	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County
1		2.50		NWNWSE	2	7S	7E	PARK
2		9.50		SWNWSE	2	7S	7E	PARK
3		5.00		SENWSE	2	7S	7E	PARK
4		3.00		NENESW	2	7S	7E	PARK
5		1.00		NWNESW	2	7S	7E	PARK
6		9.00		SWNESW	2	7S	7E	PARK
7		10.00		SENESW	2	7S	7E	PARK
8		1.50		SWNWSW	2	7S	7E	PARK
9		5.00		SENWSW	2	7S	7E	PARK
10		10.00		NESWSW	2	7S	7E	PARK
11		9.60		NWSWSW	2	7S	7E	PARK
12		8.00		SWSWSW	2	7S	7E	PARK
13		10.00		SESWSW	2	7S	7E	PARK
14		10.00		NESESW	2	7S	7E	PARK
15		10.00		NWSESW	2	7S	7E	PARK
16		10.00		SWSESW	2	7S	7E	PARK
17		9.70		SESESW	2	7S	7E	PARK
18		7.50		NESWSE	2	7S	7E	PARK
19		10.00		NWSWSE	2	7S	7E	PARK
20		4.60		SWSWSE	2	7S	7E	PARK
21		1.00		SESWSE	2	7S	7E	PARK
22		2.00		NENWNW	11	7S	7E	PARK
23		1.00		NWNWNW	11	7S	7E	PARK
24		0.60		NWNENW	11	7S	7E	PARK
25		4.50		NESESE	3	7S	7E	PARK
26		2.50		SESESE	3	7S	7E	PARK
27		4.50		NENENW	11	7S	7E	PARK
	Total:	162.00						

# Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

194233-00 194234-00

#### **POST DECREE**

# ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK **BASIN 43B**

Water Right Number: 43B 194350-00 STATEMENT OF CLAIM

> Version: 3 -- POST DECREE

> > **ACTIVE Status:**

MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS **Owners:** 

PO BOX 200701

HELENA, MT 59620 0701

**Priority Date: DECEMBER 14, 1970** 

**Type of Historical Right: FILED** 

FISH AND WILDLIFE Purpose (use):

Flow Rate: 2,000.00 CFS

789,234.00 AC-FT Volume:

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

YELLOWSTONE RIVER **Source Name:** SURFACE WATER **Source Type:** 

# \*Point of Diversion and Means of Diversion:

<u>ID</u> 1	Govt Lot	<u>Qtr Sec</u> NW	<u>Sec</u> 29	<u>Twp</u> 7S	<u>Rge</u> 7E	<u>County</u> PARK			
Period of Diversion:	APRIL 16 TO OCT	APRIL 16 TO OCTOBER 31							
Diversion Means:	INSTREAM								
2			20	7S	7E	PARK			
Period of Diversion:	APRIL 16 TO OCT	OBER 31							
<b>Diversion Means:</b>	INSTREAM								
3			19	7S	7E	PARK			
Period of Diversion:	APRIL 16 TO OCT	OBER 31							
<b>Diversion Means:</b>	INSTREAM								
4			17	7S	7E	PARK			
Period of Diversion:	APRIL 16 TO OCT	OBER 31							
<b>Diversion Means:</b>	INSTREAM								
5			16	7S	7E	PARK			
Period of Diversion:	APRIL 16 TO OCT	OBER 31							
<b>Diversion Means:</b>	INSTREAM								
6			9	7S	7E	PARK			
Period of Diversion:	APRIL 16 TO OCT	OBER 31							
<b>Diversion Means:</b>	INSTREAM								
7			4	7S	7E	PARK			
Period of Diversion:	APRIL 16 TO OCT	OBER 31							
<b>Diversion Means:</b>	INSTREAM								

8 Period of Diversion:	APRIL 16 TO OCTOBER 31	3	7S	7E	PARK
Diversion Means:	INSTREAM				
9		34	6S	7E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31	•		. –	
Diversion Means:	INSTREAM				
10		27	6S	7E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
11		26	6S	7E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
12		23	6S	7E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
13		24	6S	7E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
14		13	6S	7E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
15	4 D D U 4 A TO COTO D D 04	18	6S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
Diversion Means:	INSTREAM				
16 Period of Diversion:	ADDII 40 TO OCTODED 24	17	6S	8E	PARK
Diversion Means:	APRIL 16 TO OCTOBER 31				
	INSTREAM	-	00	0.5	DADIC
17 Period of Diversion:	APRIL 16 TO OCTOBER 31	7	6S	8E	PARK
Diversion Means:	INSTREAM				
18	INOTICANI	8	6S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31	0	03	OL	FAIN
Diversion Means:	INSTREAM				
19		9	6S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31	Ü	00	OL.	17444
Diversion Means:	INSTREAM				
20		5	6S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
21		4	6S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				

22		3	6S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
23		33	5S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
24		34	5S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
25		27	5S	8E	PARK
<b>Period of Diversion:</b>	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
26		22	5S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
27		23	5S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
28		14	5S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
29		11	5S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
30		12	5S	8E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
31		7	5S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
32		8	5S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
33		5	5S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
34		4	5S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
35		33	4S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				

36 Period of Diversion:	APRIL 16 TO OCTOBER 31	32	4S	9E	PARK
<b>Diversion Means:</b>	INSTREAM				
37		28	4S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
38		27	4S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
39		22	4S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
40		21	4S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
41		16	4S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
42		15	4S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
43		14	4S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
44		10	4S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
45		11	4S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
46		2	4S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
47		35	3S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
48		26	3S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
49		23	3S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
49 Period of Diversion:	APRIL 16 TO OCTOBER 31	23	3S	9E	PARK

50 Period of Diversion:	APRIL 16 TO OCTOBER 31	14	3S	9E	PARK
<b>Diversion Means:</b>	INSTREAM				
51		11	3S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
52		12	3S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
53		1	3S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
54		35	2S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
55		36	2S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
56		25	2S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
57		24	2S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
58		13	2S	9E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
59		19	2S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
60		18	2S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
61		7	2S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
62		6	2S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
63		5	2S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				

64 Period of Diversion:	APRIL 16 TO OCTOBER 31	32	1S	10E	PARK
Diversion Means:	INSTREAM				
65		33	1S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
66		28	1S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
67		34	1S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
68		27	1S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
69		26	1S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
70		25	1S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
71		24	1S	10E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
Diversion Means:	INSTREAM				
72	4 D D    4 0 T O O O T O D D O 4	19	1S	11E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM		_		
73	APRIL 16 TO OCTOBER 31	20	1S	11E	PARK
Period of Diversion:					
Diversion Means:	INSTREAM	00	40	445	
74 Period of Diversion:	APRIL 16 TO OCTOBER 31	29	1S	11E	PARK
Diversion Means:	INSTREAM				
	INSTREAM	20	40	445	
75 Period of Diversion:	APRIL 16 TO OCTOBER 31	28	1S	11E	PARK
Diversion Means:	INSTREAM				
76	INOTICAM	33	1S	11E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31	33	10	111	I AIXIX
Diversion Means:	INSTREAM				
77	<del>-</del>	34	1S	11E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31	<b>J</b> 1	. •		
Diversion Means:	INSTREAM				
	<del></del>				

78		35	1S	11E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
79		36	1S	11E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
80		1	2S	11E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
81		6	2S	12E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
82		31	1S	12E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
83		5	2S	12E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
84		32	1S	12E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
85		29	1S	12E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
86		28	1S	12E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
87	ABBU 40 TO 00TOBED 04	21	1S	12E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
Diversion Means:	INSTREAM				
88 · · · · · ·	ADDU 40 TO 00TODED 04	22	1S	12E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
Diversion Means:	INSTREAM				
89	ADDII 40 TO OCTODED 24	15	1S	12E	PARK
Period of Diversion:	APRIL 16 TO OCTOBER 31				
Diversion Means:	INSTREAM				DADI.
90 Period of Diversion:	APRIL 16 TO OCTOBER 31	2	3S	9E	PARK
Diversion Means:	INSTREAM		40	465	014/557 05 400
91  Pariod of Diversions	ADDII 16 TO OCTOBED 24	4	1S	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				

92		3	1S	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
93		2	1S	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
94		1	1S	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
95		35	1N	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
96		36	1N	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
97		25	1N	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
Diversion Means:	INSTREAM				
98		24	1N	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
Diversion Means:	INSTREAM				
99		30	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
100		19	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
101		20	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
102		17	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
103		16	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
104		15	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
105	ABBIL 40 TO 00TO	9	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				

106		10	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
107		14	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
108		11	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
109	SW	12	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
110	NW	12	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
111	SWNE	12	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
112	NWNE	12	1N	14E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
113		14	1S	12E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
114		13	1S	12E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
115		18	1S	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
116		7	1S	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
117		8	1S	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
118		5	1S	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				
119	ADDU 40 TO 00TO TO	9	1S	13E	SWEET GRASS
Period of Diversion:	APRIL 16 TO OCTOBER 31				
<b>Diversion Means:</b>	INSTREAM				

 $43\mathrm{B}$  194349-00 AND  $43\mathrm{B}$  194350-00 SHARE THE SAME POINTS OF DIVERSION WHICH APPLIES TO THE SAME REACH OF THE YELLOWSTONE RIVER.

Period of Use: APRIL 15 TO OCTOBER 31

Place of Use:

<u>ID</u>	<b>Acres</b>	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	<u>Twp</u>	Rge	<b>County</b>
1				24	1N	13E	SWEET GRASS
2				25	1N	13E	SWEET GRASS
3				35	1N	13E	SWEET GRASS
4				36	1N	13E	SWEET GRASS
5				9	1N	14E	SWEET GRASS
6				10	1N	14E	SWEET GRASS
7				11	1N	14E	SWEET GRASS
8			NWNE	12	1N	14E	SWEET GRASS
9			SWNE	12	1N	14E	SWEET GRASS
10			NW	12	1N	14E	SWEET GRASS
11			SW	12	1N	14E	SWEET GRASS
12				14	1N	14E	SWEET GRASS
13				15	1N	14E	SWEET GRASS
14				16	1N	14E	SWEET GRASS
15				17	1N	14E	SWEET GRASS
16				19	1N	14E	SWEET GRASS
17				20	1N	14E	SWEET GRASS
18				30	1N	14E	SWEET GRASS
19				24	1S	10E	PARK
20				25	1S	10E	PARK
21				26	1S	10E	PARK
22				27	1S	10E	PARK
23				28	1S	10E	PARK
24				32	1S	10E	PARK
25				33	1S	10E	PARK
26				34	1S	10E	PARK
27				19	1S	11E	PARK
28				20	1S	11E	PARK
29				28	1S	11E	PARK
30				29	1S	11E	PARK
31				33	1S	11E	PARK
32				34	1S	11E	PARK
33				35	1S	11E	PARK
34				36	1S	11E	PARK
35				13	1S	12E	SWEET GRASS
36				14	1S	12E	SWEET GRASS
37				15	1S	12E	PARK
38				21	1S	12E	PARK
39				22	1S	12E	PARK
40				28	1S	12E	PARK
41				29	1S	12E	PARK
42				31	1S	12E	PARK

43	32	1S	12E	PARK
44	1	1S	13E	SWEET GRASS
45	2	1S	13E	SWEET GRASS
46	3	1S	13E	SWEET GRASS
47	4	1S	13E	SWEET GRASS
48	5	1S	13E	SWEET GRASS
49	7	1S	13E	SWEET GRASS
50	8	18	13E	SWEET GRASS
51	9	1S	13E	SWEET GRASS
52	18	1S	13E	SWEET GRASS
53	13	2S	9E	PARK
54	24	2S	9E	PARK
55	25	2S	9E	PARK
56	35	2S	9E	PARK
57	36	2S	9E	PARK
58	5	2S	10E	PARK
59	6	2S	10E	PARK
60	7	2S	10E	PARK
61	18	2S	10E	PARK
62	19	2S	10E	PARK
63	1	2S	11E	PARK
64	5	2S	12E	PARK
65	6	2S	12E	PARK
66	1	3S	9E	PARK
67	2	3S	9E	PARK
68	11	3S	9E	PARK
69	12	3S	9E	PARK
70	14	3S	9E	PARK
71	23	3S	9E	PARK
72	26	3S	9E	PARK
73	35	3S	9E	PARK
74	2	4S	9E	PARK
75	10	4S	9E	PARK
			9E	
76	11	4S		PARK
77	14	4S	9E	PARK
78	15	4S	9E	PARK
79	16	4S	9E	PARK
80	21	4S	9E	PARK
81	22	4S	9E	PARK
82	27	4S	9E	PARK
83	28	4S	9E	PARK
84	32	4S	9E	PARK
85	33	4S	9E	PARK
86	11	5S	8E	PARK
87	12	5S	8E	PARK
88	14	5S	8E	PARK
89	22	5S	8E	PARK

90		23	5S	8E	PARK
91		27	5S	8E	PARK
92		33	5S	8E	PARK
93		34	5S	8E	PARK
94		4	5S	9E	PARK
95		5	5S	9E	PARK
96		7	5S	9E	PARK
97		8	5S	9E	PARK
98		13	6S	7E	PARK
99		23	6S	7E	PARK
100		24	6S	7E	PARK
101		26	6S	7E	PARK
102		27	6S	7E	PARK
103		34	6S	7E	PARK
104		3	6S	8E	PARK
105		4	6S	8E	PARK
106		5	6S	8E	PARK
107		7	6S	8E	PARK
108		8	6S	8E	PARK
109		9	6S	8E	PARK
110		17	6S	8E	PARK
111		18	6S	8E	PARK
112		3	7S	7E	PARK
113		4	7S	7E	PARK
114		9	7S	7E	PARK
115		16	7S	7E	PARK
116		17	7S	7E	PARK
117		19	7S	7E	PARK
118		20	7S	7E	PARK
119	NW	29	7S	7E	PARK